

**COUNCIL MEETING**  
**MONDAY, JUNE 18, 2018**  
**COUNCIL CHAMBERS**  
[www.lackawannany.gov](http://www.lackawannany.gov)

Regular session of the Lackawanna City Council met in the Council Chambers, Council President Annette Iafallo presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Annette Iafallo.

Meeting called to order

NB: Meeting being recorded

Roll Call: Council: Present: Noman, Leonard, Surdyke, Iafallo

Dept. Heads: Present: Law, Development, Comptroller, Public Safety, Recreation,  
Public Works

**Approval of Minutes:** of regular meeting of June 4, 2018 and special meeting June 11, 2018

Moved by Iafallo seconded by Surdyke to adopt minutes of special meeting of June 11, 2018 as written and regular meeting of June 4, 2018, with a correction to communication #5. The address should read 76 Holland Avenue

Yeas: Noman, Leonard, Surdyke, Iafallo

Carried 4-0

**Departmental Reports:**

1. **City Clerk-** Monthly Revenue Report for May 2018
2. **City Treasurer-** Total Receipts deposited into the general Fund for May 2018
3. **City Comptroller-** A/P Check Listing #49, May 31, 2018
4. **City Comptroller-** A/P Check Listing #50, June 7, 2018

Moved by Iafallo seconded by Noman receive and file departmental reports one thru four

Yeas: Noman, Leonard, Surdyke, Iafallo

Carried 4-0

**Communications from the Mayor:**

**Commissioner of Deeds Status**

3. To: City Council

With the medical absence of my management confidential secretary (Notary Public) and the legal secretary out on convalescent leave (Commissioner of Deeds), I am requesting to be re-instated as a Commissioner of Deeds in order to continue to move proper paperwork forward without pause.

**GEOFFREY M SZYMANSKI-MAYOR**

Moved by Iafallo seconded by Leonard approve request, term to expire December 31, 2020

Yeas: Noman, Leonard, Surdyke, Iafallo

Carried 4-0

**Communications from the Council:**

**Appointment-Second Ward Council Member**

6. To: City Council

I am requesting the City Council appoint Ronald W. Schultz, 39 Roland Avenue, Lackawanna, to fill the vacant seat of Second Ward Council Member, effective immediately.

Mr. Schultz is a resident of the Second Ward who I believe is uniquely qualified to fill this vacancy. Mr. Schultz is an involved citizen that continually has dialogue with this Council regarding a number of issues not only pertaining to the Second Ward, but the City as a whole.

According to the Lackawanna City Charter, this vacancy shall be filled by the Council appointment of a qualified person to serve as Council Member Second Ward, with the term to expire December 31, 2018. As per City Charter requirements, Mr. Schultz is qualified for this position.

Thank you for your anticipated cooperation regarding this very important matter.

**WILLIAM R LEONARD-3<sup>RD</sup> WARD COUNCIL MEMBER**

Move by Leonard seconded by Noman receive and file, act on resolution

Yeas: Noman, Leonard, Surdyke, Iafallo

Carried 4-0

**Marriage Officer-Leonard**

7. To: City Council

I am requesting your support to appoint, William R. Leonard, 3<sup>rd</sup> Ward Council Member, as a Marriage Officer for the City of Lackawanna, New York.

I appreciate your support in this matter.

**ANNETTE IAFALLO-COUNCIL PRESIDENT**

Moved by Iafallo seconded by Noman receive and file, act on resolution

Yeas: Noman, Leonard, Surdyke, Iafallo

Carried 4-0

**Commissioner of Deeds Status- Leonard**

8. To: City Council

I hereby request Commissioner of Deeds status for William R. Leonard, 3<sup>rd</sup> Ward Council Member.

Thank you in advance for your anticipated cooperation.

**ANNETTE IAFALLO-COUNCIL PRESIDENT**

Moved by Iafallo seconded by Surdyke approve request

Yeas: Noman, Leonard, Surdyke, Iafallo

Carried 4-0

**Appointment-Council president Prop Tempore**

9. To: City Council

Council President Iafallo, Council Members Noman and Leonard are sponsoring Council member Kevin R. Surdyke, 4<sup>th</sup> Ward Council Member, to fill the vacancy of Council president Pro Tempore, for the remainder of 2018.

**COUNCIL PRESIDENT IAFALLO, COUNCILMAN NOMAN & COUNCILMAN LEONARD**

Moved by Iafallo seconded by Noman receive and file, act on resolution

Yeas: Noman, Leonard, Surdyke, Iafallo

Carried 4-0

**Communications from Department/Division Heads:**

**Food Trucks-Festival-Waive Fees**

10. To: City Council

I would respectfully request that any fees for food trucks for the upcoming Lackawanna Festival, July 20, 21 and 22, be waived. The food truck vendor would still have to file the appropriate paperwork and application. We are still rebuilding the Lackawanna Festival, and food trucks are still reluctant to get involved due to poor turnout in prior years.

**RIC ZYBERT-DIRECTOR of RECREATION**

Moved by Iafallo seconded by Leonard approve request

Yeas: Noman, Leonard, Surdyke, Iafallo

Carried 4-0

**Complaint Writer-Retired**

11. To: City Council

Please be advised that the following employee has retired from the Complaint Writers: June 12, 2018-David Mach.

**CAROLYN A NICOMETO-COMTROLLER**

Moved by Iafallo seconded by Surdyke receive and file

Yeas: Noman, Leonard, Surdyke, Iafallo

Carried 4-0

**City Property –Available for Sale**

12. To: City Council

The properties on the attached are not needed for any municipal purpose. Please adopt the attached list of City owned property and make them available for sale as required by the City Charter and Municipal Code Chapter 12-7.

If you have any further questions please contact my office.

(Complete list on file with City Clerk)

**FRANK E KRAKOWSKI-CITY ASSESSOR**

Moved by Iafallo seconded by Noman grant request

Yeas: Noman, Leonard, Surdyke, Iafallo

Carried 4-0

**Remove From Table-Purchase Offer -297 Ridge Road**

13. To: City Council

My office is requesting removal from the table item #7, from the June 4, 2018 Meeting. The original offer price has been increased to \$1,500 for the parcel. My office still recommends the City Council approve the offer submitted by Stanley C. Tyrpak.

For further information, please contact the Assessor's Office.

**FRANK E KRAKOWSKI-CITY ASSESSOR**

Moved by Iafallo seconded by Noman remove from the table item #7 from the June 4, 2018 meeting

Yeas: Noman, Surdyke, Leonard, Iafallo

Carried 4-0

**Bethlehem Redevelopment Area Zoning Ordinance Amendment**

14. To: City Council

Attached is the proposal Zoning Amendment Ordinance for the entire Bethlehem Redevelopment Area within the boundaries of the City of Lackawanna located on the west side of Hamburg Turnpike (Route 5).

Some of the areas within this size have been either reclassified, changes in permitted use or adjustments in lot size, building height, landscaping and setbacks for parking from right-of-way.

I am requesting that City Council approve and adopt this Ordinance as written since it has been proposed and reviewed by the Local Waterfront Revitalization Steering Committee which has active representation on it by City Council and the Mayor.

I am also asking City Council to approve a Negative Declaration of No Significant Impact for State Environmental Quality Review.

**DREW SHAPIRO-DIRECTOR of DEVELOPMENT**

Moved by Iafallo seconded by Surdyke receive and file, act on ordinance and approve Negative Declaration for SEQR

Yeas: Noman, Leonard, Surdyke, Iafallo Carried 4-0

**Communications from Citizens:**

**Lackawanna Community Fun Days – August 24 & 25, 2018 - Lackawanna Library, 560 Ridge Road**

15. To: City Council

I would like to talk about the continued support for the Lackawanna Community Fun Days, including approval for use of Lackawanna’s portable restrooms, as well as approval for the events being held.

**JOHN INGRAM**

Moved by Iafallo seconded by Noman approve request, refer to Director of Recreation

Yeas: Noman, Leonard, Surdyke, Iafallo Carried 4-0

**Business Registration:**

(1) Jason Nieves-dba Jay & Vinny Auto (car detailing)-195 Lehigh Avenue

Moved by Iafallo seconded by Noman approve business registration

Yeas: Noman, Leonard, Surdyke, Iafallo Carried 4-0

(2) Ryan Acanfora-dba Lake Erie Arms (sporting goods/firearm transfers)-96 Brinker

Moved by Iafallo seconded by Surdyke TABLE pending additional information

Yeas: Noman, Leonard, Surdyke, Iafallo Carried 4-0

**Entertainment Licenses:**

OLV Basilica Lawn Fete-Pennies to Heaven- Five (5) Day Permit for DJ-Sunday August 5, 2018

Moved by Iafallo seconded by Leonard approve entertainment license

Yeas: Noman, Leonard, Surdyke, Iafallo Carried 4-0

**Resolutions:**

**(1) Resolution #14, 2018-Appointment 2<sup>nd</sup> Ward Council Member**

**Whereas**, a vacancy exists in the elective office of Council Member of the Second Ward of the City Council and the City of Lackawanna; and

**Whereas**, said vacancy shall be filled in accordance with Chapter 3, Section 3.2 of the Lackawanna City Charter by the Council appointment of a qualified person to serve as Council Member Second Ward expiring December 31, 2018;

**Now, therefore be it resolved**, that Ronald W. Schultz, residing at 39 Roland Avenue, Lackawanna, New York in the Second Ward of the City of Lackawanna, County of Erie, State of New York, to serve as Council Member of the Second Ward, City of Lackawanna, and be it further

**Resolved**, that the said appointee takes and file the oath of office required by law; and be it finally

**Resolved**, that the City Clerk be and hereby is authorized to forward a certified copy of this resolution to the Mayor, City Comptroller, City Council and other concerned parties.

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

Moved by Iafallo seconded by Noman adopt resolution as written

Yeas: Noman, Leonard, Surdyke, Iafallo

Carried 4-0

**(2) Resolution #15, 2018- Marriage Officer-Leonard**

**WHEREAS**, New York State on April 15, 1988 amended the Domestic relations Law A-1077, allowing the Governing body of a municipality the right to appoint Marriage Officers for a period not to exceed four years, effective January 1, 1988; and

**WHEREAS**, the Marriage Officers shall have the authority to solemnize marriages in the municipality which makes said appointments; and

**WHEREAS**, the Lackawanna City Council is desirous of appointing a Marriage Officer in conformance with the Domestic Relations Law

**NOW, THEREFORE, BE IT**

**RESOLVED**, that William R Leonard, be and is hereby appointed as a Marriage Officer for the City of Lackawanna, said term not to exceed four years, a limitation as imposed by the law of New York State; and

**RESOLVED**, that this resolution shall take effect immediately

Moved by Iafallo seconded by Surdyke adopt resolution as written

Yeas: Noman, Leonard, Surdyke, Iafallo

Carried 4-0

**(3) Resolution #16, 2018-Council Pro Tempore Appointment**

**WHEREAS**, Chapter 3, Section 3.5 provides that the City Council may elect from its members, a Council President Pro-Tempore who shall serve in the event the Council President's absence for disability; and

**WHEREAS**, the Council President Pro-Tempore, selected by the City Council shall serve as Council President Pro-Tempore for the term expiring on December 31, 2018 and

**NOW, THEREFORE, BE IT RESOLVED**, that Council Member Kevin R. Surdyke, Council Member of the 4<sup>th</sup> Ward, be and hereby is selected and appointed to be Council President Pro-Tempore for the remainder of the year 2018.

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

Moved by Iafallo seconded by Noman, Leonard, Surdyke adopt resolution as written

Yeas: Noman, Leonard, Surdyke, Iafallo

Carried 4-0

**(4) Resolution #17, 2018-Council President Appointment**

**WHEREAS**, a vacancy exists in the office of Council President of the City Council of the City of Lackawanna;  
and

**WHEREAS**, said vacancy shall be filled in accordance of Chapter 3, Section 3.2 of the Lackawanna City Charter by the Council appointment of a qualified person to serve as Council President  
Expiring December 31, 2018;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Annette Iafallo residing at 275 Colton Ave., Lackawanna, New York be appointed as Council President, and be it further

**RESOLVED**, that the said appointee takes and files the oath of office required by law; and be it further

**RESOLVED**, that the City Clerk be and hereby is authorized to forward a certified copy of this resolution to the Mayor, City Comptroller, City Council and other concerned parties.

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

Moved by Leonard seconded by Noman, Surdyke, Iafallo adopt resolution as written

Yeas: Noman, Leonard, Surdyke, Iafallo

Carried 4-0

**Ordinances:**

**AN ORDINANCE AMENDING CHAPTER 230, ZONING, OF THE CITY OF  
LACKAWANNA MUNICIPAL CODE**

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

Section 230-17 is hereby rescinded and replaced as follows:

**§ 230-17 Bethlehem Redevelopment Area - BRA.**

A. Light Industry District (BRA-LI).

(1) Purpose.

a. The primary purpose of the BRA Light Industry (BRA-LI) District is to create a quality setting

to provide for a variety of employment opportunities. The district encourages the development of a mix of uses, such as offices, research and development facilities, wholesale, warehousing/distribution, and light manufacturing uses, with the intent of offering a wide range of job opportunities. This district is also designed to improve the City's tax base.

- b. Properties in the BRA-LI are visible from NYS Route 5 and/or the Hamburg Turnpike and help establish the image of the area. Development in this district is subject to higher design standards in order to present an attractive setting.
- (2) Use regulations.
- a. Permitted uses and structures:
    1. Banking and commercial offices;
    2. Laboratories, experimental, testing, research and development facilities;
    3. Offices: corporate/regional headquarters, governmental, administrative and local service centers;
    4. Office-based enterprises such as administrative, back office and telemarketing facilities;
    5. Professional offices: real estate, insurance, medical and attorneys' offices in individual or common structures of at least 25,000 square feet;
    6. Public utility service structure or facility;
    7. Research and development offices and laboratories;
    8. Trade and industrial schools (postsecondary);
    9. Training facilities;
    10. Indoor recreation;
    11. Laboratories, experimental, testing, research and development facilities; and
    12. Light manufacturing, assembly and fabrication, including:
      - (a) Electronic component and equipment assembly;
      - (b) Food and beverage products;
      - (c) Household items and furniture;
      - (d) Office equipment;
      - (e) Panels, sheets, tubes or rods;
      - (f) Pharmaceutical products, cosmetics or toiletries;
      - (g) Plastic and rubber components and finished products;
      - (h) Printing, publishing and engraving, including newspapers; and
      - (i) Recreation equipment or toys; and
  - b. Uses allowed with special permit:
    1. Telecommunication facilities as a primary use, including towers, dishes and ancillary equipment;
    2. Temporary structures for construction purposes;
    3. Wholesale home and garden supply, and nurseries; and
    4. Warehousing, lumberyards, storage and wholesale distribution facilities (no unenclosed outdoor storage of equipment or materials).
  - c. Permitted accessory uses and structures:
    1. Accessory storage buildings;
    2. Communication towers/dishes required for operation of primary use;
    3. Employee services, such as cafeterias, credit unions and recreational facilities, which are located within the primary structure and occupy no more than 10% of the developed floor area;
    4. Fences, benches, walls and hedges;
    5. Off-street parking and loading facilities in conjunction with primary use (loading facilities shall be properly screened from view of NYS Route 5);
    6. Transit shelters;

7. Satellite television receiving antenna;
  8. Signs (see § 230-41);
  9. Truck shipping and delivery facilities accessory to primary operation; and
  10. Warehouse and distribution facilities ancillary to the primary use and limited to a floor area not to exceed 35% of the gross floor area of the primary use.
  11. With a special use permit: alternative energy system apparatus, if attached to a primary structure and used for on-site operations (not utility scale).
- d. Prohibited uses. Per deed restrictions placed on the former Bethlehem Steel Corporation property, the following uses are prohibited in the BRA-LI:
1. Residential (all densities);
  2. Schools;
  3. Day-care facilities and nursery schools, or other facilities primarily used for multiple numbers of persons under the age of 18 years; and
  4. Wells for extraction of water, other than for monitoring, treating or remediation.
- e. Uses requiring site plan review. All changes in land use or expansion of existing land uses are subject to site plan review in accordance with Article **VIII** of this chapter.

(3) Site area requirements (see Section H. – Supplemental Regulations).

<b>BRA-Light Industry Business (BRA-LI)</b>	
Minimum lot size	5 acres; or 50 acres for PUD
Minimum lot frontage	300 feet
Maximum building height	36 feet or 3 stories
Minimum front yard	30 feet/ 50-foot setback required from NYS Route 5 right-of-way / Hamburg Turnpike right-of-way right-of-way
Minimum side yard	25 feet
Minimum rear yard	NA
Minimum buffer to Smokes Creek Greenway Corridor Overlay District boundary	50 feet
Minimum building coverage	15%
Maximum lot coverage	75%
Minimum landscaping coverage	25%
Minimum setback for parking from right-of-way	10 feet

B. Medium Industry District (BRA-MI).

- (1) Purpose.
  - a. The BRA-Medium Industry (BRA-MI) District has been created to establish a transitional zone between the BRA-LI district along NYS Route 5 and the Heavy Industry District (BRA-HI) to the interior of the site. This transitional zone is intended to encourage "non-smokestack" manufacturing and high employment uses to promote redevelopment, while remaining compatible with both the BRA-HI and BRA-LI Districts.
  - b. The BRA-MI District is intended to utilize the site's size, history, environmental limitations and existing infrastructure to take advantage of one of the region's best-suited locations for developing new medium industrial uses. This district is designed to accommodate compatible industries on medium to large-sized lots in an organized manner to promote the efficient redevelopment of the property, while providing a transitional zone to separate heavy industrial

uses from uses along NYS Route 5. The district is established to encourage the development of a broad range of employment opportunities within the City and to enhance the City's tax base.

- c. For portions of the BRA-MI that front on NYS Route 5, screening, landscaping and/or higher design standards shall be used to promote an attractive image along NYS Route 5.
- (2) Use regulations.
- a. Permitted uses and structures:
    1. Laboratories, experimental, testing, research and development facilities;
    2. Offices: corporate/regional headquarters, governmental, administrative and local service centers;
    3. Office-based enterprises such as administration, back office and telemarketing facilities;
    4. Public utility service structure or facility;
    5. Research offices and laboratories;
    6. Enclosed bulk cargo storage and handling facilities;
    7. Indoor recycling plants;
    8. Manufacture, assembly and fabrication of the following and related products:
      - (a) Food and beverage products;
      - (b) Household items and furniture;
      - (c) Office equipment;
      - (d) Panels, sheets, tubes or rods;
      - (e) Pharmaceutical products, cosmetics or toiletries;
      - (f) Plastics and plastic components;
      - (g) Printing, publishing and engraving, including newspapers;
      - (h) Recreational equipment or toys;
      - (i) Aluminum and aluminum products;
      - (j) Automobile, marine and heavy equipment;
      - (k) Electrical and electronic equipment and appliances;
      - (l) Extruded products from plastics, metals and ceramics;
      - (m) Fabrication of metal products;
      - (n) Household and industrial chemical compounds;
      - (o) Machinery, including parts and components;
      - (p) Plastic and rubber components and finished products; and
      - (q) Steel refinishing; and
      - (r) Alternative energy components and assembly.
    9. Production and handling of fuel sources from organic natural resources.
  - b. Uses allowed with special use permit:
    1. Intermodal (uses allowed in the BRA-INT District);
    2. Motor freight facilities and depot;
    3. Outdoor storage and distribution facilities;
    4. Rail yards (limited to BRA-MI area south of Smokes Creek);
    5. Concrete production (batch plant); precast concrete and aggregate products, provided there is no outdoor storage of raw materials or reclaimed materials visible from the public right-of-way;
    6. Telecommunications towers as a primary use;
    7. Temporary structures for construction purposes;
    8. Warehousing, storage and wholesale distribution facilities; Noncommercial land filling of on-site remediation material; and
    9. Solar energy production. **[Added 6-16-2014; amended 9-16-2014]**
  - c. Permitted accessory uses:
    1. Accessory storage and maintenance buildings;
    2. Communication towers/dishes required for operation of primary use;

3. Employee services such as cafeterias, credit unions and recreational facilities, which are located within the primary structure and occupy no more than 10% of the developed floor area;
  4. Fences, benches, walls and hedges;
  5. Off-street parking and loading facilities in conjunction with primary use (loading facilities shall be properly screened from view of NYS Route 5);
  6. Outdoor storage of finished goods produced on-site (limited to 50% of site);
  7. Rail sidings and service;
  8. Satellite television receiving antenna, if attached to the primary structure;
  9. Signs (see § 230-41),;
  10. Truck shipping and delivery accessory to primary operation;
  11. Warehouse and distribution facilities ancillary to the primary use, and limited to a floor area not to exceed 35% of the gross floor area of the primary use; and
  12. With a special use permit: Alternative energy system apparatus, if attached to primary structure (not utility scale).
- d. Prohibited uses. Per deed restrictions placed on the former Bethlehem Steel Corporation property, the following land uses are prohibited in the BRA-MI:
1. Residential (all densities);
  2. Schools;
  3. Day-care facilities and nursery schools, or other facilities primarily used for multiple numbers of persons under the age of 18 years; and
  4. Wells for extraction of water, other than for monitoring, treating or remediation.
- e. Uses requiring site plan approval. All new development projects, changes in land use, expansion of existing facilities and applications for special use permit are subject to site plan review in accordance with Article **VIII** of this chapter.

(3) Site area requirements. (see Section H. – Supplemental Regulations).

<b>BRA-Medium Industry (BRA-MI)</b>	
Minimum lot size	8 acres, or 50 acres for PUD
Minimum lot frontage	500 feet
Maximum building height	60 feet
Minimum front yard	50 feet
Minimum side yard	50 feet
Minimum rear yard	50 feet
Minimum buffer to Smokes Creek Greenway Corridor Overlay District boundary	50 feet
Minimum building coverage	18%
Maximum lot coverage (including parking)	80%
Minimum landscaping coverage	20%

(4) Supplemental requirements.

- a. Outdoor storage and screening.
  1. Screening or enclosures shall be of sufficient height and density to obstruct the view of the component or finished products stored on-site from NYS Route 5 and interior public roadways.
  2. Bulk materials stored outdoors must be contained or controlled in such a manner as to not allow fugitive dust, blowing of bulk materials or odors migrating off premises and

negatively affecting neighboring properties.

3. There shall be no outdoor storage of raw materials or reclaimed aggregate materials associated with concrete production.

C. Heavy Industry District (BRA-HI).

(1) Purpose.

- a. The BRA-Heavy Industry (BRA-HI) District has been designated to accommodate the redevelopment of the site for wind power, heavy industry and general manufacturing and production uses. The BRA-HI District allows for a continuation of uses that have shaped Lackawanna's industrial past. The intent is to utilize the site's size, history, environmental limitations and existing infrastructure to take advantage of one of the region's best-suited sites for developing new heavy industry.
- b. This district is intended to co-locate compatible industries on large lots in an organized manner to ensure the efficient development of the interior of the site. The district is established to encourage the development of a broad range of employment opportunities within the City and to enhance the City's tax base.

(2) Use regulations.

a. Permitted uses and structures:

1. All uses permitted by right in the BRA-MI District;
2. Energy and fuel production, including but not limited to synthetic natural gas; coal gasification; biomass; solar; ethanol; and biodiesel; Manufacture, assembly and fabrication of alternative energy components;
3. Noncommercial land treatment and land filling of on-site remediation material under consent order or permit as issued by the New York State Department of Environmental Conservation (NYSDEC) or the United States Environmental Protection Agency (USEPA); and
4. Slag reclamation under "beneficial use" designation issued by the NYSDEC.
5. Bulk materials stored outdoors must be contained or controlled in such a manner as to not allow fugitive dust, blowing of bulk materials or odors migrating off premises and negatively affecting neighboring properties.

b. Uses allowed with special use permit:

1. Commercial solid waste management facilities under permit or license issued by the NYSDEC;
2. Coal and coke handling;
3. Concrete production (batch plant), precast concrete and aggregate products;
4. Electrical and power production and power facilities;
5. Energy and fuel production, including but not limited to biomass; ethanol; and biodiesel;
6. Extraction industries related to the mining of on-site materials;
7. Manufacture and assembly of the following and related products:
  - (a) Cement, lime, gypsum, plaster of paris, and abrasives;
  - (b) Fabrication and finishing of steel or other metal products;
  - (c) Fertilizer, glue, gelatin, grain drying and feed; and
  - (d) Steel production.
8. Manufacture or production of gases with approval of the Fire Department;
9. Motor freight facilities and depot;
10. Production or refining of petroleum-related products;
11. Production of biomass-derived fuels;
12. Warehouse, storage and distribution facilities;
13. Solar energy collection apparatus and power facilities;
14. Telecommunications facilities: towers, dishes and ancillary equipment; and
15. Wind energy conversion systems and wind farms [in accordance with Article XI, Wind

Energy Conversion Systems (WECS), establishing WECS Overlay District].

- c. Permitted accessory uses:
  1. Accessory storage and maintenance buildings;
  2. Alternative energy system apparatus for on-site operations, if attached to a primary structure;
  3. Employee services such as cafeterias, credit unions and recreation facilities, which occupy no more than 10% of the developed floor area;
  4. Fences, benches, walls and hedges;
  5. Off-street parking and loading facilities;
  6. Outdoor storage of equipment and bulk materials;
  7. Rail sidings and service;
  8. Satellite receiving antenna if attached to the primary structure; and
  9. Signs (see § 230-41).
  
- d. Prohibited uses. Per deed restrictions placed on the former Bethlehem Steel Corporation property, the following lands uses are prohibited in the BRA-HI:
  1. Residential (all densities);
  2. Schools;
  3. Day-care facilities and nursery schools, or other primarily used for multiple numbers of persons under the age of 18 years; and
  4. Wells for extraction of water, other than for monitoring, treating or remediation.
  
- e. Uses requiring site plan approval. All changes in land use or expansion of existing land uses are subject to site plan review in accordance with Article VIII of this chapter.

(3) Site area requirements.

<b>BRA-Heavy Industry (BRA-HI)</b>	
Minimum lot size	20 acres individual site, or 50 acres for PUD development
Minimum lot frontage	500 feet
Maximum building height	100 feet
Minimum front yard (landscaped)	50 feet
Minimum side yard	50 feet
Minimum rear yard	50 feet
Minimum buffer to Smokes Creek Greenway Corridor Overlay District boundary	50 feet
Minimum building setback to the canal	75 feet
Minimum building coverage	10%
Maximum lot coverage	85%
Minimum open space	15%

D. Intermodal District (BRA-INT).

(1) Purpose.

- a. The intent of the BRA-Intermodal (BRA-INT) District is to encourage continued use and expansion of the BRA's existing shipping and rail infrastructure. The area within this district uniquely benefits from the location of the Gateway Trade Center, the Lackawanna Ship Canal and an extensive network of rail lines and open areas to move, temporarily store and transfer goods between ship, rail and truck transport.

- b. Activities permitted in this district shall facilitate the continuation of traditional water-related industrial uses and promote water-based and rail-based materials handling facilities on both sides of the Lackawanna Ship Canal.

(2) Use regulations.

- a. Permitted uses and structures:
  - 1. Bulk cargo storage and handling facilities and loading/unloading equipment, including cranes, conveyors, hoppers;
  - 2. Coal and coke handling;
  - 3. Intermodal facilities;
  - 4. Maritime terminals and activities related to the shipping industry;
  - 5. Motor freight facilities and operations;
  - 6. Rail yards; and
  - 7. Warehouse, storage and distribution facilities.
  
- b. Permitted accessory uses:
  - 1. Motor freight facilities for loading and unloading;
  - 2. Offices related to operations;
  - 3. Rail service lines and extensions.
  
- c. Prohibited uses. Per deed restrictions placed on the former Bethlehem Steel Corporation property, the following lands uses are prohibited in the BRA-INT District:
  - 1. Residential (all densities);
  - 2. Schools;
  - 3. Day-care facilities and nursery schools, or other primarily used for multiple numbers of persons under the age of 18 years; and
  - 4. Wells for extraction of water, other than for monitoring, treating or remediation.
  
- d. Uses requiring site plan approval. All changes in land use or expansion of existing land uses are subject to site plan review in accordance with § 230-71 of this chapter.

(3) Site area requirements.

<b>BRA-Intermodal (BRA-INT)</b>	
Minimum lot size	1 acre (currently is 10 acres)
Minimum setback to canal (for structures)	n.a. (currently is 200')
Minimum lot frontage	n.a.
Maximum building height	100 feet (currently is 60 feet)
Minimum front yard	50 feet ( no change)
Minimum side yard (buildings and outdoor storage of bulk materials)	50 feet (no change)
Minimum rear yard (buildings and outdoor storage of bulk materials)	50 feet (no change)
Minimum building coverage	n.a. (currently 10% )
Maximum lot coverage	n.a. (currently 90%)
Minimum landscaping coverage	n.a. (currently 10%)

(4) Supplemental requirements.

- a. Outdoor storage and screening.
  - 1. Screening or enclosures shall be of sufficient height and density to obstruct the view of the component or finished products stored on-site from NYS Route 5 and interior public

roadways.

2. Bulk materials stored outdoors must be contained or controlled in such a manner as to not allow fugitive dust or blowing of bulk materials or odors migrating off premises and negatively affecting neighboring properties.

E. Lakefront Open Space District (BRA-LOS).

- (1) Purpose. The intent of the BRA-Lakefront Open Space District (BRA-LOS) is to provide for habitat restoration and limited opportunities for passive public open space within the constraints of the site. This area shall include the establishment of a 100-foot vegetative buffer along the top of the bluff. Site conditions preclude public access along most of the shoreline, but scenic overlooks may be feasible near Smokes Creek.
- (2) Use regulations.
  - a. Permitted uses and structures:
    1. Trails;
    2. Open space; Overlooks, and;
    3. Parking areas to service the recreational trail and associated uses;
  - b. Nonpermitted uses. Per deed restrictions placed on the former Bethlehem Steel Corporation property, the following lands uses are prohibited in the Lakefront Open Space District :
    1. Permanent structures
    2. Residential (all densities);
    3. Schools;
    4. Day-care facilities and nursery schools, or other primarily used for multiple numbers of persons under the age of 18 years; and
    5. Wells for extraction of water, other than for monitoring, treating or remediation.
- (3) Supplemental requirements: A 100-foot setback from the top of the bluff shall be established. No uses or structures may be placed within the setback area.

F. Supplemental regulations: Design Standards.

- (1) Purpose. These supplemental regulations are intended to establish design standards for all development occurring in the portions of the Bethlehem Redevelopment Area immediately adjacent to NYS Route 5 and/or the Hamburg Turnpike (which are both segments of the Great Lakes Seaway Trail and National Scenic Byway). Properties visible from these roadways are part of the gateway into the City of Lackawanna and should be held to a higher design standard to maintain a quality image of this part of the City. It is the intent of this section to guide site development as it relates to building and parking orientation, general building design, landscaping, site lighting, signage and outdoor storage for all development that occurs in this area of the BRA.
- (2) Applicability. The following supplemental regulations and design guidelines shall apply to development sites located within the BRA that have property boundaries adjoining NYS Route 5 and/or the Hamburg Turnpike rights-of-way. These regulations apply to all areas zoned BRA-LI, and some property zoned BRA-MI.
- (3) Building and lot orientation. Unless otherwise specified, the following provisions are supplemental to the applicable regulations outlined in § 230-28, Building, siting, massing and form.
  - a. All lots shall have primary frontage along the internal public roadway, with access to buildings and their associated parking lots provided from the internal roadway.
  - b. For lots situated along NYS Route 5 or the Hamburg Turnpike, the portion of the building

- facing these roadways shall be considered a secondary frontage. No driveway access will be allowed onto NYS Route 5 or the Hamburg Turnpike with the issuance of a Special Use Permit.
- c. The rear facades and side walls of buildings that face the Hamburg Turnpike shall be designed in a manner that is in keeping with an aesthetic image for this gateway area. Properties shall abide by design standards established in §230-20.
  - d. Primary building entrances shall be oriented towards the internal roadway with secondary entrances on the side or rear facing the parking area.
  - e. The subdivision of any BRA lots situated along NYS Route 5 shall result in sublots that are symmetrical in layout (square or rectangle); the creation of oddly shaped lots is discouraged.
  - f. Loading docks shall have access to the internal public roadway and shall be properly screened from view.
- (4) Parking and circulation. Unless otherwise specified, the following provisions are supplemental to the applicable existing regulations of § **230-36**, Parking, loading and stacking:
- a. Parking and Pedestrian Circulation.
    1. Minimum off-street parking requirements for site development shall be as established pursuant to § 230-36B. Off-street parking requirements for uses not listed in § 230-36B shall be determined during site plan review.
    2. All parking areas shall be paved and striped with the surfaces in good condition and designed for proper drainage.
    3. No parking shall be permitted within eight feet of any portion of a building other than for loading area and access to the loading dock.
    4. The eight-foot area between parking lots and buildings shall be used for sidewalks, foundation plantings and other site amenities, such as benches, bike racks and lighting.
    5. Shared parking and shared access between parking lots is encouraged in order to reduce the total area dedicated to parking.
    6. Where parking areas abut parking areas on adjacent lots, a minimum five-foot vegetative buffer strip shall be installed to break up the monotony of the paved areas.
    7. Clearly marked pedestrian pathways shall be provided within the interior of parking lots to avoid large expanses of asphalt and to enhance pedestrian safety.
    8. As per § **230-34B(10)**, shade trees shall be provided in parking lots to ensure that within 15 years after the establishment of the lot at least 40% of the lot, calculated by using the diameter of the tree crown at 15 years, will be shaded. This can be accomplished with center islands and plantings along the parking lot edges.
    9. Areas that will be utilized by trucks shall be built to a standard that can effectively support the anticipated weight.
  - b. Sidewalks. Unless otherwise specified, the following provisions are supplemental to the applicable regulations of § **230-37**, Pedestrian and Bicycle Facilities:
    1. Sidewalks measuring six feet in width shall be provided along the internal public roadway in the BRA-LI District.
    2. Interior sidewalks or striped cross walks shall be provided to ensure safe pedestrian travel between building and the sidewalk along the internal public roadway.
    3. Sidewalks shall be provided to connect parking areas located to the sides and rear of buildings with the front entrance.
    4. Pedestrian amenities such as benches and trash receptacles shall be provided where appropriate.
- (5) Building character and materials.
- a. Building scale and design.
    1. Diversity in architectural style is encouraged; however, multiple buildings on the same site shall be designed to present a coordinated or compatible visual relationship.

2. Exterior building design features shall be encouraged to provide individual character to buildings. Such features may include decorative cornices, pilasters, columns, relief, medallions, dormers and eave breaks.
  3. No building facade that faces a street shall have a blank, uninterrupted wall of more than 20 linear feet (40 feet for buildings greater than 120 feet in length). This can be achieved through the use of a combination of divisions or breaks in the materials, separate entrances and entry treatments, windows, vegetation or other visual design elements, colors and textures.
  4. In multistory buildings, the ground floor shall be distinguished from the floors above. This can be achieved through a combination of an intermediate cornice line, a difference in building materials or detailing, an awning, trellis or arcade, special window lintels or brick corbels or quoins.
  5. Architectural elements and features should be designed at a scale to be visible from the street.
  6. Buildings that front more than one street shall have a front facade facing each street.
  7. Rooftop screening shall be incorporated in the design of buildings to shield vents and rooftop-mounted equipment from view of the street.
  8. Equipment that emits noise shall be appropriately screened to prevent sound from traveling beyond the property line.
- b. Accessory structures.
1. Mobile office trailers, truck trailers, shipping containers or other storage trailers shall not be permitted for permanent use as office or production space, or for storage purposes.
- c. Building materials.
1. No fewer than two exterior materials shall be utilized for building facades.
  2. Building materials shall be comprised of materials of high quality and durability. Walls shall be clad in a mix of stone, brick, marble, metal paneling, cast concrete, vinyl siding, drivit and hardiboard, cement paneling or similar material.
  3. All walls visible from a public right-of-way shall be clad with the same material required for the front façade of the building.
  4. Roofing systems shall be comprised of materials appropriate to the architectural style and color palette of the building.
  5. Deteriorated or damaged exterior building materials shall be repaired or replaced using appropriate materials.
- d. Landscaping.
1. The entrance points to any site shall be well designed and landscaped as a unique element of each business.
  2. Foundation landscaping shall consist of trees, shrubs, and flower beds.
  3. Trees shall be planted along the street frontage every 30 feet on center.
  4. Trees shall be provided in setback areas to ensure that within 15 years of establishment at least 60% of the setback, calculated as the diameter of the tree crown, will be shaded.
  5. Landscaped islands, planted with trees and shrubs, shall be provided within parking areas for more than 30 vehicles to break up the monotony of pavement and provide shaded areas. One island shall be placed between every 15 parking spaces.
  6. Landscaping shall be protected from impacts of snow clearance and storage.
  7. All on-site landscaping shall comply with additional standards found in § 230-34.
  8. All landscape features identified for site development as part of an approved site plan shall be properly maintained and, as necessary, replaced to ensure compliance with this approval.

- (6) Screening and outdoor storage.
- a. Screening. Unless otherwise specified, the following provisions are supplemental to the applicable regulations outlined in § **230-40**, Screening:
    1. Parking areas situated between buildings and the NYS Route 5 corridor shall utilize a combination of berms, shrubs and trees to effectively screen these areas from view.
    2. Loading docks shall be effectively screened from view from both Route 5 and primary interior roadways through the use of fencing, partitions constructed of brick or other acceptable materials, berming, vegetation or any combination thereof.
    3. Dumpsters shall be properly screened from view with fencing or a masonry enclosure that exceeds the height of the trash receptacles contained therein.
    4. Dumpster enclosures shall be gated and gates shall be kept closed when not in use.
    5. Trash compactors and recycling bins shall be properly screened with dense vegetation, wood fencing or masonry enclosures that match the design of the building.
  - b. Mechanical and utility equipment.
    1. Ground mounted mechanical and utility equipment shall be properly screened from view with vegetative plantings or other measures to not be visible from NYS Route 5 and the interior public roadway.
    2. Roof mounted mechanical equipment shall be screened with parapet walls or other appropriate measures to not be visible from NYS Route 5 or the interior public roadway.
  - c. Outdoor storage. Outdoor storage or display of bulk materials, equipment, component products or finished products shall not be allowed in the BRA-LI District or portions of the BRA-MI District located along Route 5.
- (7) Utilities. All on-site utilities shall be designed and constructed in compliance with the provisions of § **230-44**.
- (8) Lighting and signage.
- a. Lighting.
    1. All site lighting, both freestanding and fixtures attached to structures, shall be properly screened to prevent glare, uplighting and spill off the property.
    2. Night lighting must be provided for all pedestrian facilities.
    3. Bollard lighting can be used as accent lighting along pedestrian paths and to highlight pedestrian crossings in parking lots and across streets.
    4. Lighting within industrial sites for security and nighttime operation shall be limited and properly screened.
    5. Lighting on buildings to highlight architectural detail is permissible.
    6. Lighting shall comply with additional standards found in § **230-35**.
  - b. Signage. Unless otherwise specified, the following guidelines are supplemental to the applicable existing regulations § **230-41**, Signs:
    1. The size and color of signs shall complement the facade, scale and architectural style of the building.
    2. Street numbers shall be prominently displayed at the main entrance to every business and be clearly visible from the street.
    3. Exterior signs shall be limited to business identification and description; signs advertising products shall be prohibited.
    4. External signage that is illuminated shall be properly controlled to prohibit excessive light that spills outward or upward.
    5. Rooftop signs and billboards on buildings shall be prohibited.
    6. Directional signage may be provided at key locations within a site that has more than one

- primary structure for wayfinding purposes.  
7. No off-premises signs are permitted.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Iafallo seconded by Surdyke adopt ordinance as written

Yeas: Noman, Leonard, Surdyke, Iafallo

Carried 4-0

**AN ORDINANCE AUTHORIZING THE SALE/TRANSFER OF PROPERTY  
PURSUANT TO MUNICIPAL CODE CHAPTER 12**

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the City Council hereby approves the transfer part of property known as SBL 141.44-1-14 (297 Ridge Rd.) parcel 30 feet by 116 feet, to Stanley C. Tyrpak.

SECTION 2. That transfer is made for the sum of \$1,500.00 in cash to the City of Lackawanna.

SECTION 3. That the purchase/transferee shall be responsible for expenses related to the transfer other than those specifically belonging to the City of Lackawanna.

SECTION 4. That the Law Department shall prepare documents to be executed for the transfer of the property including a reverter clause for work to be completed within one year.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Iafallo seconded by Noman adopt ordinance as written

Noman, Leonard, Surdyke, Iafallo

Carried 4-0

**Adjournment:**

Moved by Iafallo seconded by Leonard meeting adjourned

Yeas: Noman, Leonard, Surdyke, Iafallo

Carried 4-0

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Annette Iafallo-Council President

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Jeffrey P. DePasquale, City Clerk